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AUG 04 2006

In re Application of
Phillip Katz
Application No.: 10/658,316
Filed: September 9, 2003
For: DIAMOND CUT

: **OFFICE OF PETITIONS**
: **DECISION ON PETITION**
:
: **UNDER 37 CFR 1.137(b)**
:

This is a decision on the petition under 37 CFR 1.137(b), filed May 22, 2006 to revive the above-entitled application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed November 10, 2005, which set a shortened statutory period for reply of three (3) months. No reply was filed and a Notice of Appeal was not filed. Accordingly, by operation of law, the above-identified application became abandoned on February 11, 2006.

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to the Office action mailed November 10, 2005; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action of November 10, 2005 is accepted as having been unintentionally delayed.

The application file is being referred to Technology Center AU 3677.

Telephone inquiries concerning this decision should be directed to the undersigned.

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